

REMARKS

Applicants propose amending claims 1, 4, 13, and 16 in the present application. Support for the proposed amendments may be found at least in lines 9-26 on page 10 of the Patent Application. No new subject matter will be introduced by way of these amendments. Applicants respectfully submit that the proposed amendments place the application in better condition for allowance and/or appeal. Applicants therefore respectfully request that the Examiner enter the proposed amendments. Pursuant to the proposed amendments, claims 1 and 3-20 are pending in the present application. Reconsideration of the application is respectfully requested of the Examiner.

Claims 1 and 12 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gurusami, et al. (U.S. Patent No. 6,031,846). Claims 3 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Gurusami in view of Ellis et al (U.S. Patent No. 5,497,371). Claims 16-20 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Gurusami, et al. (U.S. Patent No. 6,031,846) in view of Valencia (U. S. Patent No. 6,650,652) and further in view of Ellis et al (U.S. Patent No. 5,497,371). Applicants respectfully traverse this rejection in view of the amendments and remarks set forth below.

Gurusami is concerned with applying Time Division Multiple Access (TDMA) communications to bidirectional cable TV systems. Gurusami notes that the length of the time slots allocated for transmission and/or reception should be long enough to allow for the range of propagation times between the transmitters and the receivers. See Gurusami, col. 2, ll. 1-33. Gurusami alleges that the gap between messages may be reduced by delaying transmissions for a time that is determined based upon a round-trip travel time between a transmitter and a receiver. See Gurusami, col. 4, line 55 – col. 5, line 35 and Figure 8.

However, Gurusami is completely silent with regard to any periodicities associated with transmission of delay sensitive information (DSI). Although Gurusami uses the term "period" on a number of occasions, Gurusami has used the term "period" to refer to a length of time, such as a delay time, but Gurusami does not refer to any phenomena that recur at a given period. Thus, Gurusami does not describe or suggest any periodicity and, in particular, Gurusami does not describe or suggest a periodicity that is a function of a sampling rate used to form DSI. In the Office Action, the Examiner alleges that a periodicity is produced by consecutive packets being received by the receiver. However, Gurusami does not teach that there is any periodicity associated with these arrival times. To the contrary, Gurusami teaches that the round-trip delay depends upon the separation of the transmitter and receiver, which may be different for each combination of transmitter and receiver, and which may also change if either of these entities moves. See Gurusami, col. 1, line 60 - col. 2, line 33. Thus, Gurusami does not describe or suggest applying a delay to an initial DSI where the delay is based on a determined periodicity of received DSI and the periodicity is a function of a sampling rate used to form the received DSI, as set forth in independent claim 1.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1 and 12 are not anticipated by Gurusami and request that the Examiner's rejections of claims 1 and 12 under 35 U.S.C. § 102(e) be withdrawn.

Moreover, Applicants respectfully submit that the pending claims are not obvious over the prior art of record. As discussed above, Gurusami fails to teach or suggest applying a delay to an initial DSI where the delay is based on a determined periodicity of received DSI and the periodicity is a function of a sampling rate used to form the received DSI, as set forth in independent claims 1, 13, and 16. The Examiner relies upon Valencia to describe latency-

sensitive packets and latency-insensitive packets and Ellis to describe non-delay sensitive information being transmitted in packets having a defined length. However, neither of the secondary references remedies the fundamental deficiencies of Gurusami discussed herein.

Applicants therefore respectfully submit that the cited references fail to teach or suggest all limitations of the claimed invention. In particular, the references fail to teach or suggest transmitting an initial DSI after applying a delay to the initial DSI where such delay is based on a determined periodicity of received DSI and the periodicity is a function of a sampling rate used to form the received DSI, as set forth in independent claims 1, 13, and 16. Furthermore, Applicants respectfully submit that the cited references fail to provide any suggestion or motivation to modify or combine the prior art of record to arrive at the claimed invention. As discussed above, the cited references are not concerned with maintaining the timing constraints imposed by delay sensitive information, *e.g.*, the timing constraints imposed by the sample rate used to generate DSI. Thus, the cited references do not provide any suggestion or motivation for transmitting an initial DSI after applying a delay to the initial DSI where such delay is based on a determined periodicity of received DSI and the periodicity is a function of a sampling rate used to form the received DSI, as set forth in independent claims 1 and 16.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not obvious over Gurusami, Valencia, and Ellis, either alone or in combination. Applicants request that the Examiner's rejections of claims 3 and 13-20 under 35 U.S.C. § 103(a) be withdrawn.

In the Office Action, the Examiner indicated that claims 4-11 contain allowable subject matter, but objected to these claims as being dependent upon a rejected base claim. Pursuant to the proposed amendments, claim 4 has been rewritten in independent form including all the

limitations of original claim 1. Applicants therefore respectfully submit that claims 4-11 are in condition for allowance and request that the Examiner's objections to these claims be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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